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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DAVID CHARLES MAIER,

11 Plaintiff,

12 v.

13 JAIL HEALTH STAFF,

14 Defendant.

CASE NO. C18-0390JLR-MLP

ORDER

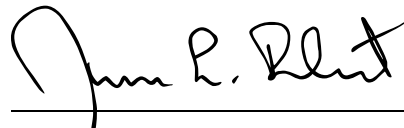
15 On October 24, 2018, Magistrate Judge James P. Donohue issued a report and
16 recommendation recommending that Plaintiff David Charles Maier's complaint be
17 dismissed without prejudice and with leave to amend. (R&R (Dkt. # 21).) On November
18 20, 2018, the court issued an order adopting Magistrate Judge Donohue's report and
19 recommendation. (11/20/18 Order (Dkt. # 23).) The court granted Mr. Maier leave to
20 file an amended complaint within thirty (30) days from the date on which the order was
21 signed. (*Id.* at 1.) The court also ordered that, if Mr. Maier failed to file an amended

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1 complaint within that timeframe, the Clerk should “terminate” the action without further
2 order of the court. (*Id.* at 1-2.)

3 Instead of filing an amended complaint, Mr. Maier filed a notice of appeal. (*See*
4 Notice (Dkt. # 26).) The Ninth Circuit Court of Appeals ruled that it did not have
5 jurisdiction over Mr. Maier’s appeal because the order he challenged was “not final or
6 appealable.” (9th Cir. Order (Dkt. # 28).) Because Mr. Maier failed to file an amended
7 complaint within the thirty-day timeframe set forth by this court in its November 20,
8 2018, order, the court now DISMISSES Mr. Maier’s complaint without further leave to
9 amend. The court DIRECTS the Clerk to close this matter.

10 Dated this 5th day of May, 2020.

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13 JAMES L. ROBART
14 United States District Judge
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